

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:
Beverly Stewart

Case No. 10-80774
Chapter 7

Social Security No. xxx-xx-9024
Address:9000 Sawyer Road , Rougemont NC 27572-

Debtor

**ORDER AVOIDING JUDICIAL LIEN OF CITIBANK
PURSUANT TO 11 U.S.C. § 522(f)**

THIS CHAPTER 7 CASE is before the Court for consideration of a motion filed by the Debtor to avoid a judicial lien pursuant to U.S.C. § 522(f) of the Bankruptcy Code; and having considered the motion and the other matters of record in this case, the Court finds and concludes as follows:

1. That after due notice of the Motion to Avoid Judicial Lien to all parties in interest, the time for objecting to the relief requested has expired without any objections being, filed; and
2. The Debtor is now, and has been at all times since this case was filed, the owner of real property (hereinafter "said property") now or formerly known as 9000 Sawyer Road Rougemont Nc 27572 located in the County of Orange .
3. That said real property had a value of \$65,236.30, as of the date this bankruptcy case was filed; and
4. That as of the date this case was filed, said property was the residence of the Debtor, and the Debtor has claimed and was entitled to claim an exemption in said property pursuant to N.C.G.S. § 1C-1601(a)(1) of not more than \$35,000.00; and
5. That Citibank holds a judicial lien recorded on 11/13/08 in the Orange County, as referenced in file number 09CV001732, in the amount of approximately \$8,189.55, plus interest at the rate of 8.00 percent per annum. That, upon information and belief, the balance owing to said creditor concerning said judicial lien, together with interest, as of the date this case was filed, was approximately \$8,189.55; and
6. That said judicial lien constitutes a lien upon said real property; and
7. That, as of the date this case was filed, the only other liens against the property recorded in Orange County were the following:

Name of Creditor Holding Lien	Type of Lien	Payoff Amount of Lien
Suntrust Mortgage	Deed of Trust	\$65,236.30
Total Amount of Other Liens:		\$65,236.30

8. That since the sum of the amount of the said judicial lien held by CITIBANK , the total amount of all other said liens on the said real property, and the amount of the exemption that the Debtor were entitled to claim if there were no liens on the property, exceeds the value of the real property (or, in the event that the Debtor own less than a 100% interest in said real property, the value of the Debtor's interest in said property) by \$43,189.55, the said judicial lien impairs an exemption of the Debtor; and
9. That, therefore, pursuant to U.S.C. § 522(f)(2)(A), the judicial lien is avoidable to the full extent of said judicial lien.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That said judicial lien held by CITIBANK , recorded in the Orange County, as referenced in file number 09CV001732, is hereby avoided to the full extent of said judicial lien as to said real property and that said judgment shall have no further force or effect as to said real property; and
2. Furthermore, upon this Court entering an Order of discharge of the Debtor, or of an Order approving the sale of said real property, as the case may be, said judicial lien shall be deemed cancelled-of-record in its entirety, and by virtue of such avoidance, said judicial lien is reduced to \$0.00; and
3. That, at such time, , in accordance with the requirements of N.C.G.S. §47-29, the Register of Deeds for the County of Orange , North Carolina, may record in the office of said Register of Deeds a copy of this order avoiding said judicial lien, together with a copy of the discharge order issued in this bankruptcy case or the order approving sale of the property, as the case may be, upon being presented with certified copies thereof..

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Social Security No. xxx-xx-9024

Address: 9000 Sawyer Road, Rougemont NC 27572-

Debtor

Debtor Name: Beverly Stewart	Case No: 10-80774
List Of Parties To Be Served With The Order Avoiding Judicial Lien:	
John Northen Chapter 7 Trustee (by electronic noticing)	John T. Orcutt Attorney for Debtor (by electronic noticing)
CITIBANK Attn: Managing Agent 5821 Fairview Road Ste 100 Charlotte, NC 28209-	U.S. Bankruptcy Administrator (by electronic noticing)
Bernhardt And Strawser, P.A. Attorney 5821 Dairview Road Ste 100 Charlotte, NC 28209-	
Beverly Stewart 9000 Sawyer Road, Rougemont NC 27572-	